

Application No. 10/564,645
Paper Dated: October 16, 2008
In Reply to USPTO Correspondence of September 22, 2008
Attorney Docket No. 4174-060105

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No. : 10/564,645 Confirmation No. 1845
Applicant : RYOICHI OKUYAMA
Filed : January 13, 2006
Title : FUEL CELL SYSTEM AND METHOD FOR DETECTING
RUNNING OUT OF FUEL IN FUEL CELL
Group Art Unit : 1795
Examiner : Steven Scully
Customer No. : 28289

Mail Stop Amendment
Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

RESPONSE TO RESTRICTION REQUIREMENT

Sir:

In response to the Office Action dated September 22, 2008, the Examiner indicated that the Applicant was required to elect a single invention to which the claims must be restricted, defining two inventions as follows:

Group I	Claims 5-10	drawn to a fuel cell system;
Group II	Claims 11-14	drawn to a method for detecting running out of fuel in a fuel cell system.

I hereby certify that this correspondence is being electronically submitted to the United States Patent and Trademark Office on October 16, 2008.

10/16/2008

Date

Christie A. Canavan

Signature

Christine A. Canavan

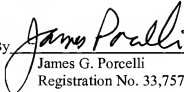
Typed Name of Person Signing Certificate

The Applicant elects with traverse, Group I claims 5-11, drawn to a fuel cell system for examination.

However, the Applicant respectfully disagrees with the Examiner's Restriction Requirement because method claims 11-14 are extracted almost directly from apparatus claims 5-8 and the only difference between these claims is the apparatus claims have means for language which is compatible with the method claims. In accordance with §803 of the Manual for Patent Examination Procedure (MPEP), if the search and examination of the claims in an application can be made without serious burden, the Examiner must examine them on the merits even though the claims may be directed to independent or distinct inventions.

Because of the similarity of these claims, the Applicant believes that the search and examination of all of the claims can be made without serious burden and, for that reason, respectfully requests the subject restriction requirement to be withdrawn.

Respectfully submitted,
THE WEBB LAW FIRM

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